Re Section V

Reasoned statement with regard to novelty, inventive step, and industrial applicability; citations and explanations supporting this statement

1 Documents regarding the related art

The following documents are referred to in the present Action:

D1: US 2002/147533 Al (F00 CHEK-PENG ET Al.)10.October 2002 (10-10-2002)

D2: WO 03/013911 Al (TOYOTA JIDOSMA KABUSHIKI KAISHA; MIYATA, YUJIRO; IYODA, MOTOMI) 20. February 2003 (02-20-2003)

D3: US 2002/188393 A1 (YOKOTA KEISHI ET AL) 12.December 2002 (12-12-2002)

D4: 101 03 661 C (BOSCH GMBH ROBERT) 8. August 2002 (08-O8-2002)

D5: DE 100 40 111 A (BOSCH GMBH ROBERT) 28. February 2002 (02-28-2002)

D6: DE 100 16 142 A (VOLKSWAGENWERK AG) 25. April 2002 (04-25-2002)

2 Claims 1 through 10

2.1 Independent Claim 1

The present application does not satisfy the requirements of Article 33(1) PCT, because the subject matter of Claim 1 is not novel in the sense of Article 33(2) PCT.

Documents **D1** discloses (the references in parentheses relate to this document; see figures) a motor vehicle (10) having at least one first crash sensor (32, 34, 36) for measuring a motion variable (CCU_1X, CCU_1Y, CCU_2X)

of the motor vehicle (10), situated in a safety zone of the motor vehicle, and having at least one second crash sensor (40, 42) for measuring a motion variable (CZS_3X, CZS_4X) of the motor vehicle, situated in a crash zone of the motor vehicle, the motor vehicle including an occupant protection device (14, 18, 20, 24) controllable via an ignition signal and a control unit (50) for ascertaining the ignition signal as a function of the measured motion variables (CCU_1X, CCU_1Y, CCU_2X, CZS_3X, CZS_4X) or, in each instance, as a function of a time average of the measured motion variables (A_MA_CCU_1Y, A_MA_CZS_3X, A_MA_CZS_4X) over at least one first time interval.

The features of independent Claim 1 are disclosed by document **D1**. Therefore, the subject matter of Claim 1 is not novel.

In addition, the features of independent Claim 1 are also disclosed by document **D2**.

2.2 Dependent Claims 2 through 5 do not include any features that, in combination with the features of any claim to which they relate, satisfy the requirements of the PCT with regard to novelty (Article 33(2) PCT) and inventive step (Article 33(3) PCT). The reasons for this are as follows:

The additional features of Claims 2 and 3 are known from document **D1**; see paragraphs [0050]-[0054] and Figure 2.

Dependent Claims 4 and 5 relate to insignificant structural modification of the motor vehicle according to Claim 1, the structural modification lying within the scope of the measures one skilled in the art is

accustomed to take based on considerations familiar to him/her, especially since the advantages achieved therewith can easily be anticipated.

Therefore, the subject matter of Claims 2 and 3 is not novel (Article 33 (2) PCT), and the subject matter of Claims 4 and 5 is not based on an inventive step (Article 33 (3) PCT).

2.3 Independent Claim 6

The present application does not satisfy the requirements of Article 33(1) PCT, because the subject matter of Claim 6 is not novel in the sense of Article 33(2) PCT.

Document **D1** discloses (the references in parentheses relate to this document; see figures) a method for manufacturing a motor vehicle (10), at least one first crash sensor (32, 34, 36) for measuring a motion variable (CCU_1X, CCU_1Y, CCU_2X) of the motor vehicle (10) being situated in a safety zone of the motor vehicle, at least one second crash sensor (40, 42) for measuring a motion variable (CZS_3X, CZS_4X) of the motor vehicle being situated in a crash zone of the motor vehicle, and an occupant protection device (14, 18, 20, 24) controllable via an ignition signal and a control unit (50) for ascertaining the ignition signal as a function of measured motion variables (CCU_1X, CCU_1Y, CCU_2X, CZS_3X, CZS_4X) or, in each instance, as a function of a time average of the measured motion variables (A_MA_CCU_1Y, A_MA_CZS_3X, A_MA_CZS_4X) over at least one first time interval being situated.

The features of independent Claim 6 are disclosed by document **D1**. Therefore, the subject matter of Claim 6 is not novel.

In addition, the features of independent Claim 6 are also disclosed by document **D2**.

2.4 Dependent Claims 7 through 9 do not include any features that, in combination with the features of any claim to which they relate, satisfy the requirements of the PCT with regard to novelty (Article 33(2) PCT), since their additional features are known from document **D1** (see paragraphs [0050]-[0054] and figures). Therefore, the subject matter of Claims 7 through 9 is not novel (Article 33 (2) PCT).

2.5 The combination of features contained in dependent Claim 10 is neither known from the present related art nor rendered obvious by it.

3 Commercial Applicability

The subject matter of Claims 1 through 10 also appears to satisfy the requirements of Article 33 (4) PCT, since it seems to be producible, implementable, and also usable in at least the field of automotive engineering.

Re Point VII

1 In the Specification

In the specification, document **D1** is not named, and the relevant related art contained in it has not been briefly outlined; thus, the requirements of Rule 5.1 a) ii) PCT are not satisfied.

Re Point VIII

1 **Clarity, Conciseness, and Support by the Specification**

The term **"age of the motion variables"** used in Claim 9 is vague and unclear and leaves the reader unaware of the meaning of the technical features in question. As a result, the definition of the subject matter of these claims is not clear (Article 6 PCT).

Therefore, the technical features defining the expression **"age of the motion variables"** should have been clarified in Claim 9.

The term "**around** the setpoint triggering time of the occupant protection device" is vague and unclear and leaves the reader unaware of the meaning of the technical features in question. As a result, the definition of the subject matter of these claims is not clear (Article 6 PCT).

Therefore, it should have been clarified in Claim 10 that the setpoint triggering time is in the range defined by the training-suppression time interval.